

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Bienvenido I. Lugo-Marchant
Plaintiff,
v.

Civil Action No. 05 11317 NMG

**Peter Tsickritzis, Kevin Kingston,
and United Liquors Limited et al.,**
Defendants

**FIRST SET OF INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO
DEFENDANT-KENNETH MONTGOMERY**

Plaintiff, Bienvenido I. Lugo-Marchant, hereby propounds the following interrogatories to Defendant-Kenneth Montgomery, to be answered fully, separately, in writing and under oath.

INSTRUCTIONS

In answering these interrogatories, Defendant-Kenneth Montgomery, should follow the same instructions given to the Plaintiff when demanding from him answers to the **First Set of Interrogatories** sent by their legal representatives and counsel. Further, Kenneth Montgomery should follow the supplementary sheets to answer the interrogatories having to do with motor vehicles, their classifications and related terms.

DEFINITIONS

As used herein, the terms used in these interrogatories shall have the same meaning as in the terms given to the Plaintiff when demanding from him answers to the **First Set of Interrogatories** by the defendants, their legal representatives and counsel. Please follow the attachment for motor vehicle classifications.

INTERROGATORIES

1. With respect to the person answering these Interrogatories, please state:
 - a. Name

- b. Address(es)
 - c. Residence telephone numbers
 - d. Job title and responsibilities
 - e. Name of superiors
 - f. Date when started employment with the defendant
 - g. Licenses
 - h. Salary
2. State what preliminary training, contact, practicing, test sponsoring, coaching or orientation you had with the plaintiff before the Commonwealth of Massachusetts issued the plaintiff a CDL B driving permit
3. State what continuing education, training, contact, driving practicing, road test sponsoring, coaching or orientation did you have with the plaintiff after the Commonwealth of Massachusetts issued the plaintiff a CDL B driving permit
4. State whether you organized, sponsored or otherwise related to a CDL training for employees of the defendant, and if so, set forth in detail:
- a. For what purpose was said training sponsored
 - b. How many white employees benefited of such training
 - c. How many non-white employees benefited of such training
 - d. Whether you assisted the plaintiff on his obtaining a CDL B driving permit
 - e. How many times did you actively practice with the plaintiff
 - f. How much time did you spend practicing with the plaintiff
 - g. How many times did the plaintiff ask you for your assistance
5. Was the plaintiff ever given a written or oral notice before his being denied work that his performance was unacceptable, and if so, state:
- a. The date of said notice and specifically what was said to the plaintiff and by whom

6. During the months when the plaintiff worked for the defendant as a driver, please indicate the following:
 - a. The territory covered by the plaintiff
 - b. The mileage covered by the plaintiff
 - c. The weight load, mechanical truck conditions, vehicle number
 - d. The pertinent documents regarding insurance, registration, license plate
 - e. The pertinent authorizations to transport alcohol
 - f. The number of keys for each truck and of its securing load bars
 - g. The hygienic condition of the trucks
 - h. The schedule for regular tune-ups and maintenance
 - i. The total number of trucks available for regular use
 - j. The type of trucks used
7. Please state, if the defendant and the plaintiff signed or otherwise entered an agreement regarding a temporary trial period as a precondition to continue working as a driver
8. Please state whether you advised the plaintiff regarding any of the aspect(s) mentioned in the attachment of the Table of Contents
9. Regarding the road test sponsoring, please state the following:
 - a. The date(s) when you actively sponsored the plaintiff
 - b. The date(s) when you could not sponsor the plaintiff
 - c. The name(s) of each alternative sponsors when you could not sponsor the plaintiff
 - d. Where were you working when you could not sponsor the plaintiff
 - e. The reason for not being available for sponsoring
10. If you contend that you in no way contributed to the plaintiff having failed the road test on numerous times, kindly state:
 - a. What you believe was the reason for such numerous failures
 - b. Upon what fact(s) do you base your contention
 - c. If the plaintiff was included in the CDL A training held on 2003

11. Name all the persons, not heretofore mentioned, having personal knowledge of facts material to this case and provide their addresses and telephone numbers
12. Based upon your entire experience in dealing with trucks and their records, state:
 - a. What documents have you lost while working for the defendant
 - b. How many phone calls have you received about problems with the trucks
 - c. How do you communicate with the regular employees
 - d. How do you communicate with the spares employees
13. State the name of each non-white employee who applied, signed up or asked for the CDL training and was trained until completing the requirements to have a CDL and promotion with the defendant
14. State whether drivers, while driving for the defendant, use a hands-free cell phone attachment when talking with the defendant, and if so, detail:
 - a. The primary reason for such practice
 - b. If the plaintiff was given one such attachment
15. State if you denied the plaintiff the use of any corporate white van for delivering goods as an employee of the defendant, and if so, state:
 - a. The disruption such a delayed departure would cause on the defendant
 - b. If that corporate van is licensed for commercial purposes
 - c. The primary reasons for such denial
 - d. The condition of said van before being used by the plaintiff
 - e. The condition of said van after being used by the plaintiff
 - f. The license required to drive such said van
 - g. The license issued to the plaintiff
 - h. Where are said vans kept after being used by regular employees

Respectfully submitted, Bienvenido I. Lugo-Marchant

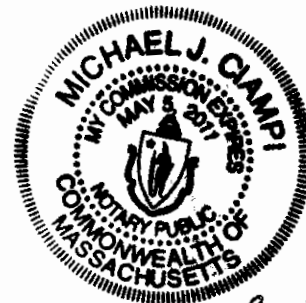
Pro se, forma pauperis



CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2006, this document was served upon the defendant's counsel,
JACKSON LEWIS, by first class mail, postage paid and by fax.

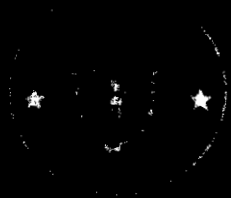
On this 14TH day of APRIL, 2006, before
me, the undersigned notary public, personally appeared
BIENVENIDO LUGO-MARCHANT
proved to me through satisfactory evidence of identification,
which were MASS LICENSE, to be the person whose
name is signed on the preceding or attached document and
swore or affirmed to me that the contents of the document are
truthful and accurate to the best of his/her knowledge and belief.



By Michael J. Ciampi

Version 2.0

Commercial
Driver's
License Manual



Commonwealth of Massachusetts
Registry of Motor Vehicles
PO Box 199100
Boston, MA 02119-9100



MASSACHUSETTS REGISTRY OF MOTOR VEHICLES A MESSAGE FOR COMMERCIAL DRIVERS




The purpose of this manual is to assist you as a driver in preparing for, and successfully completing, both the written and skills test needed to gain a commercial license. It helps you hone existing abilities and learn new ones needed to guarantee your safety and the safety of all people you come in contact with on our highways.

The Commercial Motor Vehicle Safety Act requires Massachusetts to utilize the national system for testing and licensing commercial drivers. The result is a Commercial Driver's License (CDL) which addresses the fact that professional drivers need specialized knowledge and skills to safely operate large vehicles or transport hazardous materials and/or large numbers of passengers. The law, in addition to requiring all commercial vehicle operators to maintain a CDL license, also helps us exchange useful information about commercial drivers with other states.

The trucking industry in Massachusetts employs more than 212,000 people. There are more than 12,000 Massachusetts Commercial Motor Bus drivers. And there are approximately 18,000 School Bus drivers who transport an estimated 500,000 school children daily. As you can see, the impact that you as a Commercial Driver have is enormous. Please respect the law and join with us to make our roads safer.

Daniel A. Grabauskas
Registrar

MASSACHUSETTS COMMERCIAL DRIVERS LICENSE CLASSIFICATION

WITH THIS CLASS LICENSE	YOU MAY DRIVE	RELATED ENDORSEMENTS
A	<p>Any combination of vehicles with a GVWR of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. (Holders of a Class A License may, with any appropriate endorsements, operate all vehicles within Classes B and C).</p> <p>Examples include, but are not limited to:</p> 	<p>Double/Triple Trailers Tank Vehicles Tank Vehicles with HAZMAT HAZMAT Passenger Transport Vehicles</p>
B	<p>Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Class B License may, with any appropriate endorsements, operate all vehicles within Classes B and C).</p> <p>Examples include, but are not limited to:</p> 	<p>Tank Vehicles Tank Vehicles with HAZMAT HAZMAT Passenger Transport Vehicles</p>
C	<p>Any single vehicle that is less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR, that is placarded for hazardous materials or designed to transport 16 or more persons, including the operator.</p> <p>Examples include, but are not limited to:</p> 	<p>Tank Vehicles Tank Vehicles with HAZMAT HAZMAT Passenger Transport Vehicles</p>

The vehicle in which you will take the road skills test must meet the written description for that class. If you wish to be licensed to drive a vehicle with air brakes, the vehicle in which you will be tested must be equipped with air brakes. The above vehicle silhouettes typify, but do not fully cover, the types of vehicles falling within each class. To operate a school bus, drivers are required to obtain a specific certification, in addition to the appropriate class and endorsement of CDL license.



The Commonwealth of Massachusetts
Registry of Motor Vehicles
P.O. Box 199100
Boston, MA 02119-9100

CDL ROAD TEST INFORMATION SHEET

****Please read the following information before scheduling your road test exam****

To book a road test call 617-351-4500 (from the 781 area code) or 800-858-3926 from the 413, 508, and 978 area code.

You *MUST*

- ☒ Have a valid CDL permit, with proper endorsements for the vehicle used.
- ☒ Have a valid Department of Transportation (DOT) medical card or medical waiver.*
- ☒ Have a current driver's license, if you are seeking additional endorsements.
- ☒ Have a completed road test application. (If you answer YES to question 4 or 5 on the road test application, the application must be approved by an RMV branch manager or an authorized RMV employee before the road test.)
- ☒ Be accompanied by a sponsor who:
 - Is at least 21 years old.
 - Has a valid CDL license with proper endorsements for the class of vehicle that you are using.
 - Has a current DOT medical card or be subject to a fine.* (The test, however, will still proceed.)
- ☒ Be on time for the skills test. If you are late, you will not be examined (you will be rejected).

If you must cancel or reschedule your appointment with less than 24 hours notice, you will be responsible for the skills test fee.

Your vehicle *MUST*

- ☒ Represent the type of vehicle you will be driving when you receive your CDL.
- ☒ Be able to pass a safety check. Vehicles with unstable, dangerous, or HAZMAT loads will be rejected.
 - Vehicle must be completely free of hazardous material.
- ☒ Have a valid registration and inspection sticker.
- ☒ Have adequate seating next to the operator for the use of the examiner.
- ☒ Have a manufacturer's gross vehicle weight rating (GVWR) for the class of license for which you are applying. If there is no GVWR on the vehicle, you must have a document from the manufacturer or a motor vehicle dealer proving the GVWR.

*A DOT medical card is not required for a state or municipal employee using a state or municipal vehicle.

(continued)

Directions to CDL Road Test Sites

This list is subject to change. Please call the Phone Center at (617) 351-4500 or (800) 858-3926 (from the 413/508 area codes) for a list of road test sites. The Phone Center is open weekdays from 9am to 7pm.

Dartmouth DPW (1111)

The test site is on Faunce Corner Road in North Dartmouth. Take Route 1-195 to the North Dartmouth exit. As you come off the exit, the DPW is on the left, just before the railroad tracks.

Deerfield (South) (1106)

From exit 4 off the Mass Pike, follow route 91 North to exit 24 (Deerfield, Routes 5 & 10N). Take the first right at the Citgo station onto Route 116. The test site is approximately 3/4 miles on your left, hidden by trees.

Devens (Ayer) (1159)

From Route 2, take exit 37 (Devens). Enter Jackson Gate which becomes Jackson Road. Stay on Jackson Road one mile (to the end), turn right onto Givry Street and take a left at the fork onto Queenstown Street. Travel 2 tenths of a mile and turn right at (the Second Motor Pool) Building 603 (1378th Logistics Support Battalion) Motor Pool.

Everett MBTA Repair Station (1167)

Route 99 traveling south just beyond Route 16 or traveling traveling north prior to Route 16, at lights turn onto Bowdoin Street. Left on Charlton Street follow to end.

Lenox DPW (1107)

From East 2 off the Mass Pike, go North on Routes 7/20 to the junction of Routes 7/20 and Route 7A. The test site is on your left.

Methuen National Guard Armory (1168)

From Route 93 take exit 46 (Routes 110/113). Travel Route 110 for approximately 4 miles, Armory will be on the right.

Newbury DPW (1109)

Take 1-95 North to the Scotland Road exit. Follow Scotland Road approximately one half mile past the State Police Barracks. The test site will be on your left.

Otis AFB (1154)

Cross the Bourne Bridge onto Cape Cod. Follow Route 28 South to the Route 151 exit. Turn right onto Route 151. Turn Left onto Sandwich Road to the Falmouth Gate. Go left through the gate onto the Base. Turn left onto Kitteredge Road, then right onto Generals Boulevard. Turn left into the transfer station to the test site.

Springfield (East) Army Reserve Center (1105)

From Mass Pike take exit 6 (Springfield) and go left at the end of the ramp onto Route 291 West to East Springfield. Follow to exit 5 onto Page Boulevard. At intersection with lights, take right turn at Roosevelt Ave. which will merge into East St. About 1/2 mile down on right is the Army Reserve Center for the CDL test site.

If coming from Route 91 to 291, go East to the East Springfield exit 5B onto Page Boulevard. Then follow the directions in the previous paragraph.

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